

Framework for Implementing EPA's Public Involvement Policy

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for Implementing
EPA’s Public Involvement Policy**

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1. Introduction and Purpose

The U.S. Environmental Protection Agency (EPA) published its Public Involvement Policy in the Federal Register and released this Framework for implementation in June 2003. Staff and managers across the Agency will implement the Policy which provides guidance on how they can better involve the public in the Agency's decisions. The Policy's core element is a list of seven basic steps for conducting effective public involvement:

1. Plan and budget for public involvement activities
2. Identify the interested and affected public
3. Consider providing technical or financial assistance to the public to facilitate involvement
4. Provide information and outreach to the public
5. Conduct public consultation and involvement activities
6. Review and use input, and provide feedback to the public
7. Evaluate public involvement activities

The purpose of this Framework document and its proposed activities -- information sharing, training, and evaluation -- is to support implementation of the Policy by sharing the best practices used across EPA, promoting the routine use of these practices, and developing ways to measure the results.¹ The combined goal of the Policy and this Framework is to have excellent public involvement become an integral part of EPA's culture, thus improving all of the Agency's decision making. This document will be dynamic, changing as the Agency implements the Policy and as training, information sharing and evaluation tools are developed, disseminated and used.

¹ This Framework for Implementing EPA's Public Involvement Policy is internal EPA guidance; it does not describe mandatory activities.

2. Background and Summary

Many of the regulations and laws that govern EPA's actions suggest or require that the Agency provide certain public involvement opportunities, such as public notification, public comment periods, public meetings, public access to information, and/or other opportunities for the public to participate in the specified decision-making process.

Numerous EPA program offices and regions typically provide additional opportunities for public involvement beyond basic requirements. They recognize that when EPA listens to the American public and understands their issues, the Agency can better accomplish its mission. Active public participation in EPA decision-making processes is critical to ensuring that the Agency bases its decisions on all available information and, while protecting public health and the environment, seeks to create workable, long-term solutions for those affected.

Commenters on the draft Public Involvement Policy and participants in an expansive online dialogue told EPA that while the Agency can be very effective in engaging the public sometimes on some decisions, Agency practice varies widely. EPA needs to design effective public involvement opportunities into its decision-making processes at the earliest planning stages.

Accordingly, EPA charged a cross-Agency workgroup with developing recommendations to support the implementation of the new Policy and improve the overall quality of EPA public involvement activities. This workgroup established three subcommittees – Task Groups -- to address training, information sharing and evaluation issues. The implementation activities listed in this document are the result of the workgroup's efforts.

In drafting this framework for implementation, the workgroup recognized EPA staff and managers' critical need for appropriate training and tools to successfully plan, conduct and evaluate their public involvement activities. It is essential to the success of the Policy for EPA to encourage and support continuous learning about effective public involvement practices. While EPA's in place human resource systems can fully support staff's striving for excellence in public involvement, successful implementation will depend upon the availability of adequate resources for this purpose.

To assist in this effort, the Office of Policy, Economics and Innovation (OPEI) will support the development of the tools for training, information sharing and evaluation outlined in this Framework.

Section 3 of this document outlines activities for three critical internal functions: training, information sharing and evaluation.

Training activities include: disseminating information about available training and support materials across the Agency, developing necessary new training materials, partnering with existing EPA training outlets and course sponsors to include or update public involvement content, providing train-the-trainers courses, and continuing to support trainers and trainees with necessary materials.

Information sharing activities include: creating and managing a communication network for EPA staff; and developing an electronic database and toolkit to improve dissemination of helpful resource materials and manuals, including public involvement best practices, case studies and available training materials and opportunities. EPA's Office of Policy, Economics and Innovation will update the database and manage the communication network.

Evaluation activities include: adoption of a five-year framework that called for conducting an Agency-wide survey of public involvement practices in 2002; developing measures, survey tools and related training that EPA offices can use to evaluate their public involvement activities; conducting evaluations across the Agency and sharing the results of those evaluations and conducting a second Agency-wide evaluation in four to five years.

Although the tasks and activities discussed in this document are initially focused within EPA, the Agency plans to make the database and electronic toolkit, training opportunities, and evaluation tools available to EPA's regulatory partners and the public at some point in the future. Similarly, EPA plans to open its communications network to include practitioners outside the Agency who conduct public involvement activities.

Through the Public Involvement Policy and Implementation Framework activities, the Agency intends to achieve and measure:

- Enhancement of EPA's public involvement activities
- Greater consistency in the ways EPA conducts its public involvement efforts
- Stakeholder recognition of improvement in the quality of opportunities to work with EPA
- Increased public trust
- Improved quality of the Agency's decisions
- Better public understanding of EPA's mission, processes and the appropriate roles of partners, stakeholders and the public

3. Implementation Framework

3.a. Training

Purpose

The planned training activities outlined below will enable EPA staff and managers to understand why public involvement is an integral part of the Agency's business and help them to obtain or enhance the knowledge, skills, abilities and tools to design and conduct appropriate public involvement processes.

The Public Involvement Policy calls upon Assistant and Associate Administrators to provide leadership and direction for their managers and staff by:

- Ensuring that effective public involvement is a cornerstone of all decisions, activities, plans and pilots, and fully complies with all applicable legal requirements
- Encouraging effective public involvement by providing their staff and managers guidance, technical assistance, resources, training and incentives, as appropriate
- Encouraging broad-based stakeholder participation, including drawing on the expertise and networks available in the Office of Congressional and Intergovernmental Relations, Office of Public Affairs, American Indian Environmental Office and the Office of Policy, Economics and Innovation
- Providing guidance, assistance and resources to regional offices to conduct public involvement, and to the affected public to ensure its input
- Evaluating the effectiveness of public involvement processes and taking action to improve these processes

Regional Administrators are charged with: "Encouraging effective public involvement by providing staff guidance, technical assistance, resources, training and incentives, as appropriate."

Headquarters and regional offices are both responsible to:

- Develop guidance and training to ensure that program office and regional staff and managers can perform public involvement activities effectively
- Provide incentives to Agency staff to ensure commitment to/competence in implementing public involvement

To fulfill their responsibilities, the Agency's leadership should understand the need for and benefits of public involvement, and staff should know how to choose the appropriate forms of public involvement, conduct these processes and competently perform the seven basic steps for conducting effective public involvement that are outlined in the Policy (listed above in Section 1).

The Superfund program sponsors in-depth training in public participation for its community involvement coordinators and public involvement is addressed in a module of the optional Agency training provided to rule writers. Other programs approach training on an ad-hoc basis or rely on training specific individuals. EPA has not encouraged a sustained Agency-wide effort to train management and staff in the elements and skills of

public involvement.

Progress

To help guide the Agency's efforts, the Training Task Group:

- Developed lists of public involvement training needs for general staff, managers and for staff specifically assigned to full-time public involvement work
- Collected a library of public involvement training materials, agendas and outlines from within and outside the federal government
- Compiled an annotated bibliography of the most helpful of those
- Began identifying existing training courses, materials or sources for each of the identified training needs for various EPA staff and managers

Planned Activities

EPA intends to implement the following actions:

1. Develop the list of available training courses (internal EPA and external courses), matched with the identified training needs, and distribute it in hard copy and over the Intranet to management and staff for use in development of Individual Development Plans
2. Identify existing training courses and materials that need to be revised to better reflect the Policy, and develop or sponsor development of training materials or courses, including on-line courses, as appropriate
3. Identify topics and skills in the training list for which adequate training courses or materials are available and provide this information to program office management, EPA Institute, EPA's Intranet site and other sources of training information for EPA staff and management
4. Distribute the training list to states, tribes, local governments and their organizations, encourage partnerships with appropriate EPA offices to conduct joint training, and post the information on EPA's web site
5. Identify the training, resource materials, handbooks, fact sheets, bibliographies etc. that could be provided to outside parties such as environmental groups, citizens groups, environmental justice groups, small businesses, states, tribes, local governments and industry so that they are better able to participate effectively in public involvement activities
6. Identify potential EPA trainers and conduct training across EPA

The training list and other training resource materials will be part of the database of information described in section 3b of this document (below).

3b. Information Sharing

Purpose

The planned information sharing activities will help EPA staff and managers become more knowledgeable about effective techniques and tools and share creative ideas for involving the public in EPA's decisions. The activities will provide ways for EPA programs and regions that routinely conduct public involvement activities to share their successes and "lessons learned," and learn from the good work and the problems of others.

EPA staff members need easy access to references and descriptions of useful public involvement materials, case studies and resources. Individual EPA offices and programs, and other agencies and organizations, often create such materials, but staff across EPA may not be aware of or have access to them. A compilation, constructed in a format that makes it easy to search for and find useful information, will assist EPA staff who are looking for ideas on how to involve the public.

Progress

The Information Sharing Task Group:

- Conducted an in-house survey to determine the value of creating a communications network. Approximately 200 EPA staff responded to the survey. Survey results show that 68 percent of the respondents think that a network is valuable, and up to 84 percent might join the network. The results also indicated the preferred discussion topics for the network, as well as preferred mechanisms for communication.
- Gathered materials and resources on public involvement practices, began compiling summaries of this information, and developed a prototype for a database that could house this information in a format that is accessible and useful to EPA staff

Planned Activities

EPA intends to implement the following actions:

1. Create a communications network for EPA staff who interact with and involve the public
This network will help EPA staff communicate with each other to: share recommended practices; identify the constituencies and circumstances where each may be more or less effective; provide information on training and job opportunities; and seek and provide advice about addressing specific public involvement issues. Once successfully operating for at least a year within EPA, the Agency will consider extending the network to allow others involved in public participation activities (EPA's regulatory partners in states, tribes and local governments, other federal agencies, and others involved in public participation

activities) to join the network.

2. Create a searchable descriptive compilation of resource materials, case studies, training opportunities and “lessons learned,” and periodically update it

The compilation will serve as an electronic tool kit, be organized by specific category, and provide as much additional information as possible with underlying links to descriptions, other web sites and contact information. It will include material created by EPA, as well as other federal agencies, state, tribal and local governments, public involvement practitioners and other sources.

The compilation will also include materials that showcase public involvement practices used for development of rules, permits, and policies, as well as for meeting administrative requirements for consultation with tribal governments, environmental justice communities, small businesses, etc. This compilation at first will be available only to EPA employees through the Intranet, but eventually will be made available to all others through the Internet.

3c. Evaluation and Accountability

Purpose

The planned evaluation and accountability activities will help EPA staff and managers more easily determine success in implementing the Public Involvement Policy, by tracking and measuring progress and evaluating the effectiveness of public involvement activities. The Policy states that the Administrator “Provides leadership and direction to EPA headquarters and regions for all EPA public involvement programs.” The Policy calls upon Assistant, Associate, and Regional Administrators to provide leadership and direction by: “evaluating the effectiveness of public involvement processes and taking action to improve these processes.” The Policy also calls on EPA headquarters and regional offices to “evaluate the effectiveness and appropriateness of public involvement expenditures.”

To fulfill their responsibilities, the Agency’s leadership and staff need a framework and tools to evaluate and measure how well EPA is implementing the Policy’s seven basic steps for conducting effective public involvement in both regulatory and non-regulatory processes. Although individual programs and projects currently conduct evaluations of their public involvement activities, EPA has not encouraged a sustained Agency-wide effort to determine the extent and quality of such activities and to improve their effectiveness for both participants and EPA.

Progress

To help guide the Agency’s efforts, the Evaluation and Accountability Task Group:

- Developed a five-year framework for evaluation
- Researched current measures of public involvement

- Developed and internally distributed a survey to assist in outlining the types of evaluations that would assist Agency practitioners to improve their activities
- Initiated a baseline survey to evaluate how the Agency is currently implementing its Policy

This baseline survey should provide insights about:

- Barriers to using the seven basic steps for conducting effective public involvement
- The implementers' perceptions about the quality and value of the involvement efforts
- The impact of the involvement efforts on the quality of the Agency decision or effort
- How, if at all, Agency programs are documenting and assessing their public involvement efforts

The findings should also provide Agency managers with helpful feedback on which aspects of public involvement work effectively and which ones do not, which may need more attention, and where additional public involvement resources may need to be allocated.

Planned Activities

By issuing this document, EPA adopted a five-year framework for evaluation to:

1. Establish minimum expectations regarding public involvement activities and staff and manager performance by:
 - Collecting and sharing information about measuring public involvement activities
 - Outlining minimum expectations for public involvement practices and the measures for tracking progress (quality, consistency, impact, etc.)
 - Developing criteria for employee position descriptions and performance standards for managers and staff involved in public involvement activities when developing performance agreements
2. Develop and use a broad-based Agency-wide internal survey to evaluate how well the Agency performs its public involvement activities, and to determine if EPA is using the Public Involvement Policy to improve related activities by:
 - Establishing an internal baseline for measuring future progress in implementing the Public Involvement Policy. A survey instrument will help EPA determine how effectively programs and regions are carrying out public involvement
 - Using the evaluation framework and tools to measure, track, evaluate and continually improve EPA public involvement practices
 - Critiquing the evaluation tools on an ongoing basis to ensure they remain relevant to programs, regions and those who participate in involvement activities, and revise them as necessary
 - Repeating the "baseline" internal survey every four to five years to learn the effects that implementing the Policy are having on the quality of EPA's

- public involvement practices
 - In five years, providing a comprehensive report to the Administrator on EPA's public involvement practices with recommendations for further improvements
3. Develop a suite of tools that staff (and other partners) can use to evaluate and measure public involvement activities on a consistent basis by:
- Proposing measures to help staff and managers better identify whether public involvement practices/activities are performed and tools used appropriately, and whether they achieve the intended effects.
 - Establishing a series of survey/feedback templates that EPA staff can use to obtain input from the participating public for evaluating processes, activities and events
 - Developing an OMB-approved Information Collection Request (ICR) to support gathering public involvement feedback
 - Developing, promoting and providing training in the use of the tools, measures and techniques
 - For internal use, establishing a central collection of evaluation instruments that EPA programs and regions have used to review their public involvement efforts
6. Establish specific centralized staff, budget and responsibility to support evaluation activities in programs and regions.

EPA proposes to share the tools, experience and knowledge developed as the Agency carries out the evaluation framework. The Agency hopes that state, tribal and local governments, as well as other organizations, will find this work useful and will contribute their own tools, experience and knowledge through the information sharing mechanisms described in Section 3b of this document.

Appendix: History and Implementation of EPA's Public Involvement Policies

In February 1979, EPA promulgated regulations at 40 CFR Part 25 governing public participation in the Clean Water Act, Safe Drinking Water Act and Resource Conservation and Recovery Act. In the same year, EPA began developing the Agency's first Public Participation Policy. A draft of the Policy was published for comment in the Federal Register in April 1980.

EPA actively sought public input on the draft Public Participation Policy, and Agency regional offices held ten public meetings. On January 19, 1981, the Agency issued the final Public Participation Policy. However, plans to publicize and implement it, including training staff of EPA and regulatory partners, were not carried out. During the subsequent years, knowledge of the 1981 Policy diminished externally and within the Agency.

In July 1999, the EPA Innovations Task Force issued "Aiming for Excellence: Actions to Encourage Stewardship and Accelerate Environmental Progress" (EPA 100-R-99-006). In the report, EPA pledged to evaluate its public participation policies and regulations in light of current practices, relevant statutes, regulations and Executive Orders. In October of that year, the Agency convened a cross-agency workgroup to evaluate existing public participation requirements and practices, and to provide recommendations to the Administrator.

On November 30, 1999, EPA republished the 1981 Policy in the Federal Register and asked for suggestions on changes to the Policy, on the processes that worked well or needed improvement, and on how the Agency should involve the public in revising the Policy. Based on public comments and internal review, in its report to the Administrator, "Engaging the American People" (EPA 240-R-00-005), the workgroup recommended:

1. Revising the 1981 Policy to accommodate:
 - New statutes and regulations
 - An increased awareness and understanding of the processes associated with engaging the public
 - Changed relationships with state, local and tribal governments
2. Implementing the new Policy across the Agency, focusing on the areas of:
 - Public involvement training for EPA staff and delegated program partners
 - Sharing public involvement information among EPA staff
 - Creating ways to track, measure and evaluate the effectiveness of EPA's public involvement efforts

In the year 2000, members of the workgroup drafted a revised Public Participation Policy, now called the Public Involvement Policy. On December 28, 2000, the Associate Administrator for Policy, Economics and Innovation released the draft Policy and invited the public to submit comments through July 2001. The central feature of the draft Policy was a description of the basic steps for conducting effective public involvement (revised in the Final Policy to include a seventh step):

1. Plan and budget for public involvement activities
2. Identify the interested and affected public

3. Consider providing technical or financial assistance to the public to facilitate involvement
4. Provide information and outreach to the public
5. Conduct public consultation and involvement activities
6. Review and use input, provide feedback to the public
7. Evaluate public involvement activities

Coinciding with the release of the draft Policy, EPA charged the cross-Agency workgroup with developing recommendations to support implementing the new Policy and improving the overall quality of EPA public involvement activities for release with the new Policy. The implementation workgroup divided into four task groups; three focused on the implementation areas that the 1999 Policy review workgroup recommended, and the fourth on developing revisions to the draft 2000 Policy.

EPA received 202 public comments on the draft Public Involvement Policy. Sources included 26 state agencies, 12 local governments, 17 environmental organizations, 82 citizens, five industrial interests and five agricultural interests. Many of the comments raised implementation concerns and recommended improvements in how EPA plans and conducts public meetings, holds staff and managers accountable for public involvement, ensures that public input influences EPA's decisions, uses electronic communication methods, and provides feedback to participants or commenters. EPA analyzed the public comments and wrote a Response to Comments document (see www.epa.gov/publicinvolvement) that was released with the final Public Involvement Policy and this Framework in June 2003.

In July, 2001, EPA hosted an online dialogue, entitled "Dialogue on Public Involvement in EPA's Decisions," to obtain additional, practical suggestions on implementing the Policy. During the ten-day event, 1,166 people participated, providing considerable input on what EPA should and should not do to achieve effective public involvement. (See www.network-democracy.org/epa-pip). Dialogue participants suggested ways EPA could improve its efforts to:

- Identify members of the public who should be invited to participate
- Provide technical and financial assistance to assist the public's participation
- Use collaborative processes or other participatory practices
- Evaluate EPA's public involvement activities and making EPA accountable
- Conduct effective public involvement for site-specific decisions
- Provide outreach to the public in ways that better consider their needs
- Make information and documents more easily available to the public
- Improve public involvement in permitting and rulemaking
- Work with states, tribes and local governments

The implementation activities recommended in this document reflect many of the ideas EPA received in public comments on the draft Policy and from the online dialogue. EPA accepted public comments on the draft version of this document ("Recommendations for Implementing EPA's Public Involvement Policy") for 60 days following publication on EPA's web page and notice in the Federal Register on January 17, 2002. EPA incorporated many of the public comments into this Framework. This document will be dynamic, changing as the Agency implements the Policy and as training, information sharing and evaluation tools are developed, disseminated and used. The Agency will post updates to this Framework at

www.epa.gov/publicinvolvement/framework.pdf.